

DECLARATION (37 CFR §1.63) AND POWER OF ATTORNEY

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name, and

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **TRICYCLIC TETRAHYDROQUINOLINE ANTIBACTERIAL AGENTS**, Docket No. **01337.US1**, the specification of which

☐ is attached hereto.

☒ was filed on October 2, 2003 as Application Serial No. 10/677,551.

☐ was filed on as PCT International Application No. and was amended under PCT Article 19 on , if applicable.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with 37 CFR §1.56(a).

I hereby claim the benefit under 35 USC §119(e) of any United States provisional application(s) listed below:

<u>Application Serial No.</u>	<u>Filing Date (Day/Month/Year)</u>
60/416,685	October 7, 2002
60/427,189	November 18, 2002
60/457,622	March 26, 2003

I hereby claim foreign priority benefits under 35 USC §119(a)-(d), or §365(b), of any foreign application(s) for patent or inventor's certificate or §365(a) of any PCT International Application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application for patent or inventor's certificate or any PCT International Application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application on which priority is claimed:

<u>Application Serial No.</u>	<u>Country</u>	<u>Filing Date (Day/Month/Year)</u>	<u>Priority Claimed (Yes/No)</u>
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I hereby claim the benefit under 35 USC §120, of any United States application(s) or PCT International Application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application(s) in the manner provided by the first paragraph of 35 USC §112, I acknowledge the duty to disclose material information as defined in 37 CFR §1.56(a), which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application
Serial No.

Filing Date

Status (Patented,
Pending, Abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint

☒ the practitioners associated with Customer Number



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PATENT AND TRADEMARK OFFICE

☐ Thomas A. Wootton (Registration No. 35,004); Lucy X. Yang (Registration No. 40,259); Edward F. Rehberg (Registration No. 34,703); John H. Engelmann (Registration No. 28,075); Austin W. Zhang (Registration No. 48,061); Stephen L. Nesbitt (Registration No. 28,981); Mary J. Hosley (Registration No. 48,324); Jonathan P. O'Brien (Registration No. 50,852); and J. Trevor Lumb (Registration No. 28,567); all registered to practice before the Patent and Trademark Office.

as my attorneys or agents with full power of substitution and revocation to prosecute this application and all divisions and continuations thereof and to transact all business in the Patent and Trademark Office connected therewith and request that all correspondence and telephone communications be directed to the following person at the mailing address and telephone number hereafter given:

Name : Jonathan P. O'Brien, Senior Patent Agent

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Inventor's Signature Michael Robert Barbachyn Date 2/24/04

Full name of sole or first inventor: Michael Robert Barbachyn

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1397 Annandale Court, Ann Arbor, Michigan 48108

Inventor's Signature J. Craig Ruble Date 21-January-2004

Full name of second joint inventor: J. Craig Ruble

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Inventor's Signature Arthur Glenn Romero Date 11-February 2004

Full name of third joint inventor: Arthur Glenn Romero

Residence: Chesterfield, Missouri 63005 Citizenship: USA

Post Office Address: 1201 Turnberry Ridge Court, Chesterfield, Missouri 63005

Inventor's Signature Lisa Marie Thomasco Date January 29, 2004

Full name of fourth joint inventor: Lisa Marie Thomasco

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Inventor's Signature Alexander Ross Hurd Date February 20, 2004

Full name of fifth joint inventor: Alexander Ross Hurd

Residence: Ann Arbor, Michigan 48103 Citizenship: USA

Post Office Address: 506 Eberwhite Blvd., Ann Arbor, Michigan 48103

Inventor's Signature John Raymond Palmer Date 21 January 2004

Full name of sixth joint inventor: John Raymond Palmer
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Inventor's Signature Peter Laurence Toogood Date 2/18/04

Full name of seventh joint inventor: Peter Laurence Toogood
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Inventor's Signature Dennis Joseph McNamara Date Feb. 20, 2004

Full name of eighth joint inventor: Dennis Joseph McNamara
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Inventor's Signature Debra Ann Sherry Date 3-1-04

Full name of ninth joint inventor: Debra Ann Sherry
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Inventor's Signature Paul J. Dobrowolski Date 2/20/04

Full name of tenth joint inventor: Paul Joseph Dobrowolski
 Residence: Saline, Michigan 48176 Citizenship: USA
 Post Office Address: 218 W. Bemis Road, Saline, Michigan 48176

CONSENT OF WARNER LAMBERT LLC

Whereas by virtue of the terms of employment of Peter Laurence Toogood, Dennis Joseph McNamara and Debra Ann Sherry with WARNER LAMBERT LLC, a corporation organized and existing under the laws of the State of Delaware, United States of America, and having a place of business at 201 Tabor Road, Morris Plains, New Jersey 07950, United States of America, said WARNER LAMBERT LLC is entitled to an assignment of the entire right title and interest, in all countries of the world, in and to all inventions, whether joint or sole, of Peter Laurence Toogood, Dennis Joseph McNamara and Debra Ann Sherry; and whereas WARNER LAMBERT LLC desires that PHARMACIA & UPJOHN COMPANY receive the full benefit of the foregoing assignment by Peter Laurence Toogood, Dennis Joseph McNamara and Debra Ann Sherry for U.S. Patent Application Serial No. 10/677,551 Filed October 2, 2003; WARNER LAMBERT LLC hereby consents to the foregoing assignment by Peter Laurence Toogood, Dennis Joseph McNamara and Debra Ann Sherry to PHARMACIA & UPJOHN COMPANY.

WARNER LAMBERT LLC

Signed

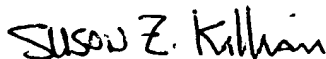


JAN 15 2004

J. Trevor Lumb

Title Assistant Secretary

In the presence of:



(Typed or printed name of witness)